

**MINUTES OF MEETING
MEADOW POINTE II
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Meadow Pointe II Community Development District was held on Wednesday, June 4, 2008 at 6:37 p.m. at the Meadow Pointe II Clubhouse; 30051 County Line Road; Wesley Chapel, Florida.

Present and constituting a quorum were:

Gerald Lynn	Chairman
Jim Bovis	Vice Chairman
Diana Ricker	Secretary
Harold Ziegler	Treasurer
Brian Shahin	Supervisor

Also present were:

Andrew Mendenhall	District Manager
Susan Johnson-Velez	District Counsel
Bob Valentine	District Engineer
Renee Glassman	Architectural Review Committee
Yolanda Bush	Deed Restrictions Committee
Jamie Childers	Resident Council Representative
Residents	

The following is a summary of the minutes and actions taken at the June 4, 2008 Meadow Pointe II Board of Supervisors regular meeting. A copy of the recording of the meeting is on file at the District Office.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Lynn called the meeting to order and called the roll.

SECOND ORDER OF BUSINESS

Pledge of Allegiance

The Pledge of Allegiance was recited.

The record will reflect Mr. Shahin has joined the meeting.

THIRD ORDER OF BUSINESS

Guest Speakers

There not being **any**, the next item followed.

- Mitigation Parcel M-3 – the plat indicated it was to be conveyed to the Tullamore HOA.
- Trout Creek's attorney, John Gibbons who was preparing the conveyance documents, said he thought the CDD had already accepted ownership of these by virtue of the SWFWMD and four Conservation Easements which were done several years ago.
- Mr. Valentine reviewed this and indicated on the SWFWMD permits MPII is a permittee and does include M-3.
- The M-3 areas does not benefit MPII in any way. It serves as a mitigation area for the Shoppes of New Tampa.
 - Mr. Lynn noted he thought the lake in Wrencrest was the mitigation area for the Shoppes of New Tampa.
 - Mr. Valentine stated that is Mitigation Area – M-1 and is part of the same permit
 - There are three mitigation areas on the permit – M-1 in Wrencrest, M-3 in Tullamore and M-2 which is in MPI. The SWFWMD permit was granted to four parties – Crescent Resources, Trout Creek Properties, MP and MPII.
 - The mitigation area in Tullamore is within the geographic boundary areas of MPII.
 - It was noted on the plat the area was to be deeded to Tullamore HOA.
 - Mr. Lynn noted he did not want to take ownership of a lake until SWFWMD said it is acceptable and meets all of their criteria.
 - Mr. Valentine noted for some many years there are bi-annual inspections, much the same as the mitigation areas. After so long and they are established there is no more inspection requirements.
 - Mr. Lynn stated his concern until that time comes if they take it over and in it is in the CDD's name. Trout Creek and

- Crescent are going to sit back and say it is not their problem anymore.
- Mr. Ziegler noted there was a problem previously on M-2 where SWFWMD had a lot of items to be replaced but we do not know if they did it or not.
 - Mr. Lynn stated we have not received any negative reports so we are not sure if it has been resolved.
 - Mr. Valentine noted SWFWMD will inspect when they are due, if they do inspect.
 - Mr. Lynn noted until such time as SWFWMD is satisfied and they are sure there is no problem with SWFWMD he does not want to take the lake over.
 - Mr. Valentine stated someone is paying Ecological Consultants to do the inspections.
 - Mr. Lynn stated as far as I know we are not so leave it the way it is and let them continue to pay for it until it is accepted by SWFWMD.
 - Mr. Mendenhall will research to make sure the District is not paying for this area.
- Ms. Johnson-Velez will get with Mr. Gibbons to let him know the District has not accepted ownership and will not until SWFWMD approves it and finds everything satisfactory.
- Mr. Lynn noted the other outstanding issue is in regard to a former employee and the vacation pay which needs to be resolved.
 - Ms. Johnson-Velez stated Mr. Mendenhall and I had some conversations with Mr. Snyder to determine whether or not there was any sort of policy regarding vacation pay or sick leave – paid time off.
 - It has been determined there is no official Board adopted policy with regard to this.

- It has been the practice for the last few years to allow employees, after a year of service, to have ten paid days off to use at their discretion.
- It is at the Board's discretion if you would like to ratify the actions of the property manager in establishing the informal policy and then going forward whether or not you would like to adopt a policy related to paid time off so there is a more uniform policy and uniform implementation of the policy.
- Mr. Shahin stated the language needs to be on paper for the Board to review before he will approve anything.
- Mr. Lynn noted what is being approved is making payment to this employee and then we do have to generate a procedure for handling it in the future.
- Mr. Ziegler stated I do not think that is what Ms. Johnson-Velez said.
- Ms. Johnson-Velez stated it is two separate issues because there is no formal policy but again it has been the practice to do that and this former employee is claiming she is owed around \$700 under the prior practice.
- Mr. Bovis noted he believes she should be paid and sent a letter from the attorney stating the District accepts no responsibility, liability, et cetera.
- Mr. Bovis stated he also did not want to vote until he knows what they are voting for on a policy.
- Ms. Johnson-Velez noted there has been no policy drafted for the Board to consider.

Mr. Bovis MOVED to pay the money owed to the former employee and Ms. Ricker seconded the motion.

- Mr. Ziegler asked are we going to set the amount, do we know exactly how many days she is owed?

- Mr. Mendenhall responded he will check with Payroll and with Mr. Snyder to determine the accuracy of what is owed.
- Ms. Ricker noted she feels it should be paid to get it resolved. There are other issues which could come about and paying this may alleviate those issues.

On VOICE vote with all in favor the prior motion was approved.

- Mr. Lynn requested Mr. Mendenhall call Ms. McLaughlin to let her know she will be receiving a check.
- A policy needs to be prepared to handle this particular circumstance.
- Mr. Bovis asked can Mr. Mendenhall draft it?
- Mr. Mendenhall responded I will forward to the Board some examples of what other Districts do.
- Mr. Lynn asked Ms. Ricker, can you spearhead this and present it back to us? You have the personnel experience.
- Ms. Ricker responded I will work with Mr. Mendenhall.
- Ms. Johnson-Velez stated I spoke with Mr. Bovis last week and at his request contacted Mr. Doug Lee, the property manager for Tullamore. They have been having some parking issues and calling a tow company to tow cars in non-designated spaces or causing issues with emergency vehicles not being able to get by.
 - An owner whose car was towed hired an attorney to assert the HOA does not have the ability to have cars towed for the streets of Tullamore since they do not own them.
 - The HOA's attorney, Mr. Bruce Ross, has expressed concern about the HOA towing cars from CDD owned property.
 - They have asked that I work with their attorney to resolve this issue to see how it can be addressed so they can continue to enforce the parking restrictions within their Village.

- Would the Board like me to pursue that effort with the Tullamore HOA attorney to the end that they can enforce towing?
- Mr. Lynn responded in some of the places we own the parking spaces and in some we do not. Is Tullamore one we own the parking spaces or not?
- Mr. Valentine responded he will review it.
- Mr. Lynn stated if we say to the HOA we are going to give you the right to tow, we still have a legal liability as the owner of the property. Can we release ourselves of the responsibility by authorizing them to take on the responsibility?
- Ms. Johnson-Velez responded if you want to enter into an agreement whereby they indemnify you and hold you harmless.
- Further discussion ensued regarding the Tullamore parking and towing issue and sidewalks with the outcome being Ms. Johnson-Velez was authorized to draft an agreement to be presented to the Board for approval.
- It was also noted this possibly should be implemented in all Villages with the same situation.
- Ms. Johnson-Velez stated she can draft an agreement that will be a standard agreement.

B. Engineer

Mr. Valentine reported on the following:

- Distributed an updated version of the spreadsheet used previously for reserves as related to pavement maintenance.
 - The District maintains the pavement at the clubhouse for the parking lot and the roadways in all of the gated Villages with the exception of Deer Run and Morningside.
 - The 2008 milling and resurfacing is \$1.4 million for all of the roads the District maintains.
 - Another method being used is micro-surface overlay, which is a thin overlay.

- When this is done it raises the edge of pavement elevation and causes a tripping hazard.
- A thin overlay can be done once as it is only about ½ inch above the curb.
- Most of the District roads are low volume; there is not a lot of traffic and very few trucks, which helps aid in the life of the pavement.
- The cost for micro-surfacing is \$580,000.
- RePlay is a trademark name for a sealer and rejuvenator and the cost for this per application is \$130,000.
- RePlay is applied every four to five years as needed.
- RePlay seals for water penetration and repairs cracks in the existing asphalt.
- Mr. Valentine distributed information on a test performed over a six week period to see how the RePlay was working after application.
- Cracks from 1/8 to 3/8 of an inch sealed.
- Mr. Valentine distributed a pavement maintenance plan comparisons sheet.
 - Three cases outlined.
 - Case three was initially looked at. In five years when the roads are at 15 years the milling and resurfacing cost is \$1.6 million.
 - The average yearly cost is \$237,000 if it is milled and resurfaced every 15 years.
 - Case one uses RePlay.
 - The five year cost is \$278,000.
 - The average yearly cost over 35 years is \$150,000 per year.
 - Mr. Valentine noted he used 3% inflation per year and are reflected in the numbers.
 - Mr. Lynn asked are you satisfied enough with the RePlay that you feel it is something we should consider?
 - Mr. Valentine responded I have not seen it but there are some locations where it has been used in this area that I

will be going to look at. Everything I have read and heard seems to indicate it is the way to go.

- Mr. Lynn asked is there sufficient monies in reserves to start it this year?
- Mr. Valentine responded the first sheet I handed out shows the Village reserves together is almost \$700,000.
- How often would the RePlay be done?
- Mr. Valentine responded I expect every five years.
- Are the reserves shown strictly for roads?
- Mr. Valentine responded no, they are the Village reserves.
- Ms. Ricker noted she believes they are still within reason.
- Mr. Ziegler noted every Village may not need to be done this year.
- Mr. Valentine stated by doing the younger roads they will have a greater benefit.
- Mr. Bovis asked has each Village and their roads been looked at and how much might be needed to get them into shape to use the RePlay?
- Mr. Valentine responded I have not.
- Mr. Lynn noted there are two issues in Vermillion – the fix the problem is \$19,000 and another \$16,000 for sealing and restriping.
- Mr. Lynn stated the repairs for Vermillion are not complete road resurfacing – they are just repairs and the RePlay would need to be applied, as well.
- Resident comments were inaudible – the Board noted they are discussing District reserves not HOA reserves.
- Mr. Valentine will look at work done with the RePlay, assess the Villages roads and report to the Board at the next staff meeting.

➤ Mr. Valentine distributed a MPII Reserves Items by Village package.

- The chart indicates the items associated by Village for the reserves.
- Drainage structures, ponds, fountains, fences, and clubhouse are District wide.
- The fences and walls were addressed.
 - Each section of wall is associated with a Village.
 - PVC fences are typically in front of a conservation area or pond, which is a District wide item.
 - Mr. Lynn noted there are items listed for the Village reserves the District had not considered as strictly Village reserve items previously.
 - Mr. Valentine noted it is for Board review and they will make the final decision.
 - Mr. Lynn stated his thought is pavement, curbs and gates as individual to the Villages and everything else would be from the general fund.
 - Further discussion ensued regarding the reserve items.
 - ❖ It was noted Vermillion has well water that is staining the inside of the walls.
- Mr. Valentine distributed a packet containing a map to show ownership and easements, the second sheet is a legend and the third is a narrative with regard to maintenance responsibilities.
- Mr. Valentine distributed a packet containing an aerial view, a legend block. The bottom of the sheet lists quantities.
 - There are spreadsheets attached to this packet which are a maintenance log for each Village noting date, work order number, description, and costs.
 - There are sheets for each type of item, i.e. Drainage, irrigation, et cetera.
 - The thought is to develop this for each Village.
 - Mr. Lynn noted there has been an issue in the past with landscape maintenance and inquired if it can be added for the areas the District expects the landscape crew to maintain?

- Mr. Valentine responded yes. If they get to a point where there is too much on a sheet additional sheets can be created for specific items.
- Mr. Shahin noted the easements are not defined as to what type of easement they are.
- Mr. Valentine stated the non-aerial map denotes the type of easement.
- Mr. Shahin stated they are all red but they are different types of easements.
- Mr. Valentine noted the District is granted perpetual access through those easements to maintain the surface water management system regardless of the type of easement.
- There are two or three utility easements which are strictly utility easements.
- Further discussion ensued regarding easements.
- Mr. Valentine noted the costs for compiling for all Villages to be \$10,000.
- The consensus of the Board is to look at for next fiscal year budget.
- Mr. Valentine noted the Deer Run pond is complete and signed off.
 - Will inspect once filled.
 - Discussion ensued of where the water from the pond was pumped to.
 - Mr. Bovis asked if there is a way to check the water from underwater once the pond is filled? It would be nice to know how it is holding as there are a lot of ponds.
 - Mr. Valentine responded I would not recommend this repair on all of the ponds. There are certain applications for it and on a lot of the ponds the costs far exceed the benefits.
 - Mr. Valentine noted a dye could be placed in the pond to see if it is leaking.

- Mr. Lynn noted they were able to see a swirl on the other end of the berm as an indication it was leaking.
- Mr. Shahin asked is the pond they worked on completely dry?
- Mr. Valentine responded no, there is some water in the bottom.
- Mr. Shahin asked structurally do you have any concerns that it is dry?
- Mr. Valentine responded the only concern I have is between the houses where we have the swale where the water runoffs and is an area where we get erosion. There is nothing there to protect it right now.
- Ms. Ricker noted with it being dry it will give it a chance to cure.

C. Property Manager

Mr. Lynn presented the following for Mr. Snyder:

- There are two estimates for the work in Vermillion.
 - Mr. Valentine noted it is in very poor condition and has many potholes.
 - The pavement all slopes toward the center and is where the inlets for drainage are.
 - The center joint has deteriorated creating potholes and will eventually cause problems with the base due to water saturation.
 - It needs, at the very least, cold patch asphalt but it will only be a band-aid.
 - Mr. Lynn noted one proposal is \$19,749 for pavement repairs.
 - The other is \$16,296 for sealing and striping the roadways and parking areas.
 - Both are within Vermillion and will come out of the reserve budget.
 - With the roadway repairs restriping will not have to be done as they will be taking out a four foot section of road at the bottom of the "V" at the middle of the roadway.
 - The striping will be because of the sealing.
 - Mr. Lynn asked if we are going to use the procedure you talked about why should we do the sealing and striping at this point in time?'
 - Mr. Valentine responded I would not seal and stripe – I would use the RePlay. You will still need to stripe because the pavement marking in Vermillion is almost nonexistent.

- Ms. Ricker asked is this a fair estimate for the repair work?
- Mr. Valentine responded it is a pretty decent price. The work to be done is small and difficult.
- A resident of Vermillion addressed the roadway conditions.

Mr. Ziegler MOVED to accept the Vermillion roadway repairs proposal from WH Williams & Assoc. Paving, Inc. for \$19,749.95 and Ms. Ricker seconded the motion.

- Mr. Shahin asked does this cover the repairs around the manhole covers?
- Mr. Valentine responded yes.
- A resident asked does it change the crown of the road?
- Mr. Valentine responded no, the valley is still going to be in the center.

On VOICE vote with all in favor the prior motion was approved.

- The next item is an agreement for resurfacing the three tennis courts.
 - There will be a coating applied to the tennis courts which will fill the cracks.
 - All of the game lines will be re-striped to cover both pickle ball and tennis.
 - Total cost is \$11,900.
 - Mr. Shahin asked is this going to go over where the roots were coming up and were repaved?
 - Mr. Lynn responded it will go over the entire surface. It will be completely sealed, surfaced and they are fixing the fences now.
 - Mr. Lynn asked when we do the pickle ball what color do we want them to use? *The response was blue.*
 - Ms. Ricker noted the agreement states the client agrees to provide water and electricity for construction purposes.
 - Mr. Lynn stated we have water and electric there so it will not be an issue.

- Ms. Ricker asked would it be to our benefit to install an additional electrical outlet while we are doing this?
- Mr. Lynn responded there is access around the circumference to install electric.

Mr. Bovis MOVED to accept the tennis court proposal from Florida Courts, Inc for \$11,900 and Ms. Ricker seconded the motion.

- Ms. Ricker asked will they have to stay off the courts for 30 days?
- Mr. Valentine responded I am not familiar with any of this.

On VOICE vote with all in favor the prior motion was approved.

- The next item is the same type of work they are going to do on the two basketball courts and the multi-purpose courts for a cost of \$9,150.
 - Ms. Ricker noted it does not include the lighting for the multi-purpose court.
 - Mr. Lynn stated the lighting can be put on external to the court.

Ms. Ricker MOVED to accept the basketball courts and multi-purpose court proposal from Florida Courts, Inc for \$9,150 Mr. Shahin seconded the motion.

- Mr. Bovis stated I see \$20,000.
- Mr. Lynn stated I think from a financial standpoint there is money available.
- Mr. Bovis asked are these in dire need also?
- Mr. Lynn responded yes.
- Further discussion ensued regarding the courts.

On VOICE vote with all in favor the prior motion was approved.

- The next item is the canopy for the play area.
 - It will take one month from the start of the contract to completion.
 - It is one week for installation.
 - Discussion ensued regarding closing the play area for the installation.

Mr. Bovis to accept the proposals from Creative Shade Solutions for the play area canopies at \$7,465.00 and \$10,827.00 total of \$18,292.00 and Mr. Shahin seconded the motion.

- Comments from the audience were inaudible.
- It was noted Creative Shade is doing all of the work, there will be no subcontractors.
- There is a warranty.

On VOICE vote with Mr. Bovis, Mr. Ziegler, Mr. Shahin and Mr. Lynn voting aye and Ms. Ricker voting nay the prior motion was approved.

D. Manager

Mr. Mendenhall reported on the following:

i. Distribution of Proposed Budget for Fiscal Year 2009 and Consideration of Resolution 2008-3 Approving the Budget and Setting the Public Hearing

- Mr. Mendenhall outlined the budget procedure and timeline.
- The main objective this evening is to set the threshold for the high water mark.
- Second is for the Board to decide where they want the budget to be.
- There are four meetings before the public hearing for final adoption of the budget to fine tune.
- The budget proposed budget is set at a conservative high water mark.
 - Assessments on roll: \$1,548,961 increased from \$1,271,386.
 - Mr. Mendenhall outlined the Districts bank accounts and their purposes.

- In the Village and Capital Reserves there will be \$900,000 designated.
- Cash in excess of expenses – a conservative estimate is \$300,000.
- \$136,000 of this is being designated to lower assessments but the full amount can be used.
- Discussion ensued regarding gross up.
- To maintain the budget at last year's level some cuts will have to be made.
- It was noted streetlighting increases have not been included in the FY 2009 budget.
- Discussion ensued regarding carryover.
- It was noted in the past the Board has used excess cash to reduce or maintain assessments.
- Mr. Lynn recommended keeping assessments level.
- For TRIM notice purposes there will be a 3% increase.

On MOTION by Mr. Ziegler seconded by Ms. Ricker with all in favor to reflect a 3% increase for TRIM notice purposes on the FY 2009 budget submitted to the county was approved.

- Mr. Mendenhall noted the resolution starts the process for the public hearing to be held on August 20.
- Mr. Lynn noted the budget needs to be adjusted for the streetlighting increases.

On MOTION by Mr. Ziegler seconded by Ms. Ricker with all in favor Resolution 2008-3 a resolution of the Board of Supervisors of the Meadow Pointe II Community Development District approving the budget for fiscal year 2009 and setting a public hearing for August 20, 2008 at 6:30 p.m. at the Meadow Pointe II Clubhouse was adopted.

- Audience comments on the budget:
 - Have the pond repairs been taken into consideration? *Yes, Mr. Valentine is doing a reserve study.*

- A residents comments referencing page eight of the budget were inaudible. *The numbers on the budget are strictly CDD and have nothing to do with the HOA.*
- Discussion ensued regarding garbage pickup.
- Mr. Lynn noted the \$10,000 for Mr. Valentine to compile the Village information as previously discussed was not addressed in the budget.
 - Mr. Mendenhall will adjust the engineering line item to reflect it.
- Mr. Bovis addressed the budget narrative:
 - Garbage/Solid Waste Revenue - noted it is not a correct statement.
 - Interest – Investments – states all excess funds invested with SBA: they are not.
 - Special Assessment – Other – include “and reserves” after operating expenditures.
- Mr. Shahin noted the narrative is helpful but perhaps it should not be included until reviewed.
 - Mr. Mendenhall stated the narrative as well as the dollars is not approved and there are potential changes necessary.
- Mr. Ziegler asked why is Severn Trent raising their fees 23%?
 - Mr. Mendenhall responded one of the things I do not like about the way Severn Trent has billed in the past is we typically have broken out a number of line items. Rather than have a confusing listing we have rolled those into one line item to show the total fee. I am happy to do it either way. The proposed increase in the fee is 3.5%.
- Mr. Bovis continued:
 - Travel and Per Diem – should include “special meetings”.
- Mr. Ziegler noted he is concerned about the engineering and attorney fees. They were kept the same as last year but the actuals are showing they are significantly higher.
 - Mr. Lynn stated in terms of the legal services we had a lawsuit on behalf of the District with regard to the construction project.
- Ms. Ricker stated we only have one salaried employee.

- Mr. Ziegler noted \$30,000 for legal is approximately 1,500 hours of work.
- Engineering is potentially going to \$25,000 with the additional \$10,000 project.
 - It was noted for items such as the pond they should be coming from contingency and not billed to the Engineering line item.
 - It will be billed as a separate item to reflect it is to be billed to contingency.
- For the labels on the budget ProfServ should follow the item not the lead in.
- Mr. Bovis addressed the minutes and residents not being identified. It is very important their name is given when speaking.
 - Mr. Mendenhall stated it is a concern of the recording secretary as well and we have to be diligent in having people state their name. We do occasionally take requests from the audience and have a back and forth which is actually very confusing for the recording secretary.
- ii. **Consideration of Resolution 2008-4 – General Election**
- Mr. Mendenhall noted this is a housekeeping item.

On MOTION by Mr. Bovis seconded by Ms. Ricker with all in favor Resolution 2008-4 a resolution of the Board of Supervisors of the Meadow Pointe II Community Development District Requesting the Pasco County Supervisor of Election conduct an election for two (2) seats on the Meadow Pointe II Community Development Board of Supervisors in conjunction with the General Election to be held in November, 2008 was adopted.

iii. **Consideration of Arbitrage Engagement Letter with Dufresne & Associates**

- You received an engagement letter from GNP Services, CPA, PA. It is for arbitrage services from Dufresne & Associates. There is not a change to the fee. it is competitive. It is the Board's discretion as to whether you would like to accept this or if you would like us to look into other firms.

On MOTION by Mr. Bovis seconded by Mr. Shahin with all in favor the Arbitrage Engagement Letter with GNP Services, CPA, PA was approved.

The record will reflect the Board took a five-minute recess.

The following is a summary of the District Manager's notes due to a failure of the recording equipment.

EIGHTH ORDER OF BUSINESS

Approval of Minutes of the April 2, 2008 Meeting

Mr. Lynn stated each Board member received a copy of the minutes of the April 2, 2008 meeting and requested any additions, corrections or deletions.

On MOTION by Mr. Ziegler seconded by Ms. Ricker with all in favor the minutes of the April 2, 2008 meeting were approved as amended.

NINTH ORDER OF BUSINESS

Other Business

There not being any, the next item followed.

ELEVENTH ORDER OF BUSINESS

Approval of April 30, 2008 Financial Statements

This item tabled to July 2, 2008 meeting.

TENTH ORDER OF BUSINESS

Audience Comments

TWELFTH ORDER OF BUSINESS

Adjournment

There being no further business.

On MOTION by Mr. Bovis seconded by Ms. Ricker with all in favor the meeting was adjourned.

Gerald Lynn
Chairman